

1 14. Plaintiff received automated calls that begin with a pre-recorded
2 message.

3 15. Defendant's telephone calls were not made for "emergency purposes;"
4 rather, Defendant was attempting to collect a Gold's gym membership balance.
5

6 16. Desiring to stop the repeated calls, Plaintiff spoke with Defendant in
7 August 2015 and revoked any consent that Defendant may have had to contact her
8 on her cellular telephone.
9

10 17. Defendant heard and acknowledged Plaintiff's request to stop calling.

11 18. Once Defendant was aware that its calls were unwanted, its continued
12 calls could have served no purpose other than harassment.
13

14 19. Defendant proceeded to ignore Plaintiff's revocation and continued to
15 call his cellular telephone number, on average, multiple times per month.

16 20. Upon information and belief, Defendant conducts business in a
17 manner which violates the Telephone Consumer Protection Act.
18

19 **DEFENDANT VIOLATED THE TELEPHONE CONSUMER**
20 **PROTECTION ACT**

21 21. Plaintiff incorporates the forgoing paragraphs as though the same were
22 set forth at length herein.

23 22. Defendant initiated automated calls to Plaintiff using an automatic
24 telephone dialing system.
25
26

1 23. Defendant's calls to Plaintiff were not made for emergency purposes,
2 as they were attempting to collect a balance remaining on Plaintiff's account.

3 24. Defendant's calls to Plaintiff after August 2015, were not made with
4 Plaintiff's prior express consent.

5 25. Defendant's acts as described above were done with malicious,
6 intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights
7 under the law and with the purpose of harassing Plaintiff.
8

9 26. The acts and/or omissions of Defendant were done unfairly,
10 unlawfully, intentionally, deceptively and fraudulently and absent bona fide error,
11 lawful right, legal defense, legal justification or legal excuse.
12

13 27. As a result of the above violations of the TCPA, Plaintiff has suffered
14 the losses and damages as set forth above entitling Plaintiff to an award of
15 statutory, actual and trebles damages.
16

17 WHEREFORE, Plaintiff, ASHLEY LEONARD, respectfully prays for a
18 judgment as follows:
19

- 20 a. All actual damages suffered pursuant to 47 U.S.C.
21 §227(b)(3)(A);
22 b. Statutory damages of \$500.00 per violative telephone call
23 pursuant to 47 U.S.C. § 227(b)(3)(B);
24 c. Treble damages of \$1,500.00 per violative telephone call
25

pursuant to 47 U.S.C. §227(b)(3);

d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3);

e. Any other relief deemed appropriate by this Honorable Court.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, ASHLEY LEONARD, demands a jury trial in this case.

Respectfully submitted,

DATED: July 27, 2016

/s/ Amy L. B. Ginsburg
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